

PATENT

Application Serial No. 10/083,996  
Amendment dated March 3, 2004  
Reply to Final Office Action of October 3, 2003  
Docket No. 1232-4825

**REMARKS**

Entry of this Amendment is requested prior to examination on the merits.

**Status of the Claims**

Claims 1-36 are pending in this application. Claims 1, 18 and 31 are independent. By this preliminary amendment, claims 2, 8, 10, 14-17, 23 and 31-36 are cancelled without prejudice or disclaimer. Claims 1, 3-7, 9, 11-13, 18-22 and 24-29 are amended. No new matter has been added by this Amendment.

**Objection**

**SPECIFICATION**

The title of the invention has been objected to. The Office Action indicates that the title should be indicative regarding different light-receiving regions in a pixel.

The title has been amended to read "AN IMAGE SENSING ELEMENT WITH A PIXEL HAVING AT LEAST TWO LIGHT-RECEIVING REGIONS."

**CLAIM**

Claim 33 has been objected to because of informalities. Claim 33 has been cancelled rendering the objection moot.

Applicant respectfully requests that these objections be withdrawn.

**Rejection under 35 U.S.C. §102**

In the Final Office Action of October 3, 2003, claims 31-35 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,245,173 to Yamana et al. ("Yamana").

Claims 31-35 have been cancelled by this Amendment rendering the rejection directed to

these claims moot.

**Rejection under 35 U.S.C. §103**

In paragraph six (6) of the Office Action, claims 1-3, 5, 7-14, 17, 18 and 22-30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,195,509 to Nakahara ("Nakahara") in view of Applicant's admitted prior art.

The Examiner indicates that Fig. 2A of Nakahara discloses "a pixel (1-1L) which includes a first light-receiving region (6L) ... a second light-receiving region (1D, 2D) that does not include the region where the principal ray having passed through the image sensing lens is incident (since the region is not in the center of the optical axis)."

Each of amended independent claims 1 and 18 recites that "each light-receiving portion including first, second and third light-receiving regions each outputting a signal, the first and second light-receiving regions having substantially symmetrical shape and being arranged to sandwich the third light-receiving region, center portions of the first and second light-receiving regions being wider than peripheral portions of the first and second light-receiving regions."

Applicant believes that none of the cited references (i.e., Nakahara and Applicant's admitted prior art), either taken alone or in combination, show or suggest at least this aspect of the invention.

Accordingly, independent claims 1 and 18 as amended are believed to be allowable over the cited art of records.

Reconsideration and withdrawal of the rejections of claims 1 and 18 under 35 U.S.C. §103(a) is respectfully requested.

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Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believe that the application is in condition for allowance and such action is respectfully requested.

**AUTHORIZATION**

A petition for a two-month extension of time along with the associated fee is enclosed, extending the date for responding until March 3, 2004. Should an additional extension of time be required to render this paper timely filed, such extension is hereby petitioned and the Commissioner is authorized to charge any other fees necessitated by this Amendment, or credit any overpayment to our Deposit Account No. 13-4500 (Order No. 1232-4825). **A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: March 3, 2004

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